

Introduced by Senator Romero

February 22, 2005

An act to add Section 94794 to the Education Code, relating to private postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as introduced, Romero. Private postsecondary institutions: exemption from approval.

Existing law, the Private Postsecondary and Vocational Education Reform Act of 1989 (private postsecondary act), generally sets minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, as defined. The act establishes the Bureau for Private Postsecondary and Vocational Education, which, among other things, is required to review and investigate all institutions, programs, and courses of instruction approved under the act. By its own terms, the act is repealed as of January 1, 2008.

Specific provisions of the (private postsecondary act), known as the Maxine Waters School Reform and Student Protection Act of 1989 (school reform act), generally provide procedures, remedies, and sanctions that apply in situations where students allege that they have suffered harm because of the actions of institutions to which the school reform act is applicable. Existing law exempts prescribed educational services from private postsecondary act, including certain services relating to the conferring of associate of occupational studies or associate of applied science degrees.

This bill would provide that no institution seeking approval or reapproval under the private postsecondary act shall be exempt from the school reform act by reason of the accreditation of that institution

or one or more of its branches. The bill would further require that any institution, or branch of that institution, would lose an existing exemption if, the bureau determines that on or after January 1, 2003, the accrediting agency takes, or has taken, a negative action, as defined, against the institution, one or more of its branches, or a course or program of study offered by that institution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 94794 is added to the Education Code,
2 to read:
3 94794. (a) Notwithstanding any other provision of this
4 chapter, no institution seeking approval or reapproval under this
5 chapter for itself or one or more of its branches shall be exempt
6 from Article 7 (commencing with Section 94850) by reason of
7 the accreditation of the institution or one or more of its branches.
8 (b) (1) Any institution, or branch of an institution, shall lose an
9 existing exemption that is held because of the accreditation if the
10 bureau determines that, on or after January 1, 2003, the
11 accrediting entity takes, or has taken, a negative action against
12 the institution, against one or more branches of that institution, or
13 against any courses or programs of study offered at the
14 institution.
15 (2) As used in this section, a “negative action” includes, but is
16 not necessarily limited to, an action by an accrediting entity that
17 constitutes any or all of the following:
18 (A) A denial or failure to approve or reapprove the
19 accreditation of the institution, branch, or course or program of
20 study.
21 (B) The granting of conditional approval, probation, or
22 improvement-needed status.
23 (C) Any other action taken by the accrediting entity against the
24 institution or one or more of its branches because of any of the
25 following:
26 (i) A violation of a law or regulations.
27 (ii) A violation of policies of the accrediting agency.
28 (iii) Poor performance, fraud, mismanagement, or concealment
29 of information.

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